

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) BPCUR0006MC (C-40)
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature_____</p> <p>Typed or printed name _____</p>		<p>Application Number 10/685,354</p> <p>Filed October 10, 2003</p> <p>First Named Inventor Michael Chen</p> <p>Art Unit 2423</p> <p>Examiner Jason Thomas</p>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record. **45,432**
Registration number _____.
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____.

/Philip H. Burrus, IV/

Signature

Philip H. Burrus, IV

Typed or printed name

404-797-8111

Telephone number

September 17, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of **2** forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/685,354

Examiner: Thomas, Jason M.

Art Group: 2423

Reference No.: BPCUR0006MC (C-40)

Appn. Filed: October 10, 2003

Applicants: Michael Chen

Title: Method, Apparatus, and System for Preparing Images for
Integration and Combining Images into an Integrated Image

September 17, 2010

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicant hereby requests review of the final rejections to the independent claims set forth in the above-identified application. The reasons set forth below frame the issue to be considered as part of the pre-appeal review process.

Claims 1-66 are pending in this application. Claims 1-66 are rejected under 35 USC §103(a) as being obvious in view of Phillips et al., US Published Patent Application No. 2004.0150751, hereinafter “Phillips,” in view of Gordon et al., US Pat. No. 7,634,788.

As set forth below, Applicant respectfully submits that the combination of Phillips and Gordon simply fails to teach the structure and features claimed by Applicant in independent claims 1, 19, 37, 55, 59, and 63.

With respect to claim 1, which included limitations found in the various independent claims, Applicant notes that this claim recites, *inter alia*, “...forming a first compressed image [received as an analog signal and converted to a digital image] from a portion of a first image area by representing at least one segment of the first image within

the portion with a reference to another segment of the first image within the portion...” Applicant has searched the specification of Phillips and Gordon, including the portions relied upon by the Examiner, and is unable to find any teaching whatsoever of forming a compressed image for integration into a second image, where the first image is formed from only a portion of that image.

The Office Action, at pages 2 and 3, submits Phillips teaches “...forming a compressed image from a portion of a first image area...[by] using encoder 515 to compress an image in a MPEG-2 format such that portions of the image can be manipulated to prepare the image for integration with a second image...” Office Action, pages 2 and 3. Applicant respectfully disagrees, submitting that this statement mischaracterizes the operation of Phillips.

Phillips teaches a system for superimposing a first image over a portion of a second. Phillips, paragraph [0006]. In the superimposition process, Phillips employs a first complete image and a second complete image. Portions are not used. “The compositing device has a video output that provides a video output signal. The video output signal is a combination of the two video input signals formed based at least in part on the selector signal.” Phillips, paragraph [0007]. While it is clear that these images can be scaled, superimposed, and can have their resolution changed, neither Phillips nor Gordon teaches forming a first compressed image from a portion of a received and converted image.

Turning to the passages set forth by the Examiner in the Office Action as teaching this for the combination, Applicant is unable to find any teaching of forming a first compressed image from a portion of a received image. Beginning with FIG. 5, which is shown here for reference, Applicant is unable to find any such teaching.

FIG. 5, shown below, illustrates a composite signal (541) coming from two input signals: video signal A (530,531) and video signal B (532,533). As noted above, Phillips clearly states that the superimposition uses the entirety of the received signal. While the superimposed signal is sometimes referred to by Phillips as a “partial screen signal,” it is clear that this is made not from a “portion” of an image, but rather from the entirety of an image. Consider the discussion of FIG. 7, which describes the “...operation of systems 500 and 501...” Phillips, paragraph [0122]. In the description of FIG. 7, Phillips

expressly states, “NID 520 then reduces full channel B 720a to a smaller size and/or resolution relative to full channel A 710a, and forms a composite signal with the reduced full channel B 720a, represented as an image 720b, superimposed over full channel 710a, represented as an image 710b. The composite signal is then provided to a display device that displays an image 750.” Phillips, paragraph [0132].

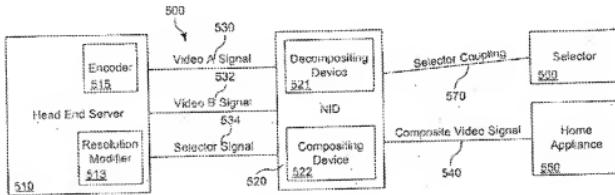


Figure 5a

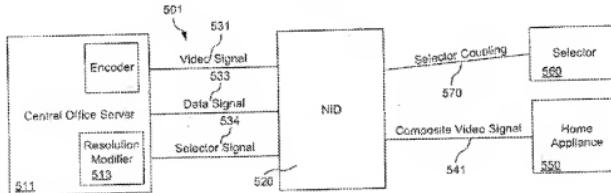


Figure 5b

Turning to paragraphs [118], [119], [133], and [134], each of which are relied upon by the Examiner in making the rejection, Applicant is unable to find any teaching whatsoever of forming a first compressed image from a portion of an image. The “operation” of the NID, which is referenced in paragraphs [0118] and [0119], expressly states that full channels are used in paragraph [0132]. The same occurs in paragraphs [0133] and [0134]. These paragraphs are cited here with Applicant’s emphasis:

[0133] Turning to FIG. 7b, a variation is described where head end server 510 reduces full channel B 720a prior to transmitting to NID 520. As depicted, full channel A 710a is transmitted to NID 520 as video signal A 530. In addition, full channel B 720a is reduced, to form reduced channel B 720c. Reduced channel B 720c is then transmitted to NID 520 as video signal B 532. Reduced channel B 720c can be reduced in size,

resolution, and/or bandwidth. Thus, as previously discussed, encoder 515 can compress full channel 720a, and/or resolution modifier 513 can reduce the resolution of full channel 720a to achieve reduced channel B 720c. NID 520 forms a composite signal with the reduced channel B 720c, represented as an image 720b, superimposed over full channel 710a, represented as an image 710b. The composite signal is then provided to a display device that displays an image 750.

[0134] Turning to FIG. 7c, a variation is described where head end server 510 reduces full channel B 720a prior to transmitting to NID 520, and further eliminates data from the area where reduced channel B 720c will be superimposed. Full channel A 710a with the picture-in-picture window eliminated is represented as channel 710c. Where the signal formats allow for such data elimination, this approach reduces the bandwidth required to transmit full channel A 710a to NID 520, without reducing the viewing enjoyment of an end user. Head end server 510 can eliminate the data from full channel A 710a using location and/or size information provided by selector signal 534. NID 520 forms a composite signal with the reduced channel B 720c, represented as an image 720b, superimposed over full channel 710a with the eliminated picture-in-picture window, represented as an image 710b. The composite signal is then provided to a display device that displays an image 750.

The addition of Gordon to Phillips fails to correct this deficiency. As with Phillips, Gordon teaches the encoding of full video frame sequences to form an interactive program guide. Gordon, Abstract. In the description of Gordon, it is clear that full frames are used. “[T]he invention produces the IPG (500 of FIG. 5A) using a novel compositing technique that enables full motion video to be positioned within an IPG and have the video seamlessly transition from one IPG page to another.” Gordon, col. 5, lines 1-4.

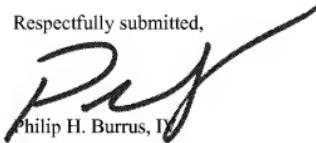
While different portions of the full motion video can be encoded differently as set forth at col. 7, lines 10-30, it is clear that a complete video image is used. “The IPG generator 116 performs ensemble encoding by combining the three video sequences, the background and the guide graphics into a comprehensive IPG display such as the one depicted as IPG page 500 in FIG. 5A or IPG page 600 in FIG. 6. As shall be described in detail below, the informational video is overlaid onto the background to form a background/video composite and then various IPG grids are overlaid upon the background/video composite. In this manner, a number of IPG “pages”, for example,

fifteen of them, are produced, where each page depicts ten channels of programming information. Each of these IPG pages is encoded within the IPG generator 116 into a compressed digital bitstream, e.g., an MPEG compliant bitstream.” Gordon, col. 5, lines 48-60.

Applicant respectfully submits that this is nothing more than the superimposition of one complete image atop another, as was taught in Phillips. Consequently, as neither reference teaches “...forming a first compressed image [received as an analog signal and converted to a digital image] from a portion of a first image area by representing at least one segment of the first image within the portion with a reference to another segment of the first image within the portion...” as recited in Applicant’s claim 1, Applicant respectfully submits that the combination of Phillips and Gordon cannot do so either. Accordingly, Applicant respectfully submits that no *prima facie* case of obviousness has been established, and therefore the rejection is overcome. Applicant respectfully requests reconsideration of the rejection in light of these comments. As each independent claim recites a limitation similar to claim 1, Applicant respectfully submits that claims 1-66 are in condition for allowance.

In view of the comments above, withdrawal of the rejection is respectfully requested.

Respectfully submitted,



Philip H. Burrus, Jr.
Attorney for Applicants Reg No.: 45,432
404-797-8111; 404-880-9912 (fax)
pburrus@burrusiplaw.com